HIGH COURT OF UTTARANCHAL AT NAINITAL

Review /Modification Application No.2862/06

In

Writ Petition No. 409 (M/B) of 2001
(Old No. 11127 of 1998)

Hayat Singh Bora S/o Late Dunger Singh Bora,
R/o village Shakitipur, Patti- Kshetra, Phunger,
Tehsil Champawat, District – Pithoragarh. ... Petitioner

Vs

1. Chief Engineer, Public Works Department, Lucknow.
2. Executive Engineer, Asthayi Khand, Public Works Department, Chamwatpur, District – Pithoragarh.
3. Assistant Engineer, Asthayi Khand Champawat, District – Pithoragarh.
4. Land Acquisition Officer, Pithoragarh.
5. State of U.P. through Collector, Pithoragarh. .....Respondents

Sri Sudhir Singh learned counsel for the petitioner.
Sri Bhupendra Singh learned Standing Counsel for the respondents.

Dated: -15-07-2006

Coram: Hon'ble P.C. Verma,J
Hon'ble B.S. Verma, J

Heard Sri Sudhir Singh learned counsel for the petitioner and Sri Bhupendra Singh learned Standing counsel for the respondents.

By means of this application, the respondent State has prayed for modification/ deletion of the latter part of the operative portion of the order dated 4-5-2005 in so far as it relates "to issue Notification under Sections 4 and 6 of the Land Acquisition Act" on the ground that except the writ petitioner Hayat Singh Bora all other land owners either have accepted the amount of compensation of the land acquired by the State without any protest or have no objection to the compensation awarded as well as to avoid further complications regarding issue of notifications under Section 4 and 6 of the Land Acquisition Act. The stand for review of the order impugned taken by the State is that as per order of the Court the entire compensation amount has already been deposited in the registry of this Court.

From a perusal of the record it is evident that the entire exercise has been done by the State in view of the interim order dated 1-3-2005 passed by this Court.

Since, it is only the petitioner who has come in the writ petition because neither any payment of compensation was made to him and the basis of assessing the market value of the land acquired has been brought on record by the State.

In the facts and circumstances of the case and having gone through the entire material on record we are of the view that the writ petition may be disposed of finally at this stage with the direction to the State Government either to hand over the possession of the land under acquisition belonging to the petitioner within a period of two months or to issue proper notification under Section 4 and 6 of the said Act and the payment in respect of the land belonging to the petitioner Hayat Singh Bora is made within one month thereafter as per proper and fair market value of the land in question.

Accordingly, the State Government is directed either to hand over the possession of the land under acquisition belonging to the petitioner within a period of two months or to issue proper notification under Sections 4 and 6 of the said Act and the payment in respect of the land belonging to the petitioner Hayat Singh Bora is made within one month thereafter as per proper and fair market value of the land in question.

With the above observation, the writ petition is finally disposed of. The application for modification of order stands disposed of

(B.S. Verma, J.) **(P.C. Verma, J.)**

15-07-2006
MK